

In re:	§	
CINCH WIRELINE SERVICES, LLC	§	Case No. 23-51742-cag
Debtor	§	Chapter 7
	§	
JOHN PATRICK LOWE, CHAPTER 7	§	
TRUSTEE FOR CINCH WIRELINE	§	
SERVICES, LLC,	§	
Plaintiff	§	
v.	§	
	§	Adversary 24-05011-cag
FRANK THOMAS SHUMATE; MARK	§	
LOPEZ; LORETTA L. HIGGINS;	§	
TIMOTHY GAINES POLLARD; JERRY	§	
MILLER; MARTIN KROESCHE;	§	
[THE “INDIVIDUAL-DEFENDANTS”]	§	
CINCH ENERGY SERVICES, LLC;	§	
CINCH INVESTMENT HOLDINGS, LLC;	§	
CES GROUP HOLDINGS, LLC; HOOK N	§	
BULL PROPERTIES, LLC; LOS CABOS	§	
RANCH, LLC; FTS RANCH, LLC; FTSJR	§	
HOLDINGS, LLC; WFO HOMES, LLC;	§	
TEXAS COAST BUILDERS, LLC; 17	§	
MAIN, LLC; GRANDER HOLDINGS,	§	
LLC; WFO, LLC; PONDER RANCH,	§	
LLC; BL EQUITY HOLDINGS, LLC;	§	
OCEAN FLOOR HOLDINGS, LLC;	§	
SUPERIOR READY MIX OF TEXAS,	§	
LLC; SUPERIOR READY MIX, LLC;	§	
CAPITAL PROPERTY INVESTING,	§	
LLC; CORE ASSET RESOURCES,	§	
LLC; DRAKEFIRE MANAGEMENT,	§	
LLC; EDMUND HOME BUILDERS,	§	
LLC; CHATTINGTON INVESTMENTS,	§	
LLC; WILLIAM H HOLDINGS, LLC;	§	
LONE STAR CEMENT COMPANY, LLC;	§	
TIM POLLARD CONSTRUCTION, INC.	§	
[The “Entity Defendants”]	§	
and Other Yet UNKNOWN DEFENDANTS	§	
["John Doe-Defendants"]; and	§	
SIMMONS BANK	§	
Defendants	§	

**SECOND AMENDED  
WITNESS AND EXHIBIT LIST OF  
JOHN PATRICK LOWE, CHAPTER 7 TRUSTEE**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES John Patrick Lowe, Trustee ("Trustee"), the duly appointed and acting Chapter 7 Trustee in the above-captioned bankruptcy case, and hereby files its Second Amended Witness and Exhibit List to be used in connection with the Tuesday, July 30, 2024 hearings<sup>1</sup>. Trustee may call the following witnesses and offer the following exhibits:

**LIST OF WITNESSES**

1. Patrick Lowe
2. Frank Thomas Shumate
3. Loretta Higgins
4. Tim Pollard
5. Shelby Jordan
6. Butch Boyd
7. Any witness called by any other creditor, any other party in interest that may appear and seek to be heard at the hearing, and any rebuttal witness as may be required.
8. Any rebuttal witnesses necessary.

**LIST OF EXHIBITS**

<b>Ex. #</b>	<b>Description</b>	<b>Offered</b>	<b>Objection</b>	<b>Admitted/ Not Admitted</b>	<b>Disposition</b>
1.	Declaration and Proffer of Direct Testimony of Shelby A. Jordan [Judicial Notice #90-1]				
2.	Declaration and Proffer of Direct				

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<sup>1</sup> Hearings currently set are:

1. Trustee's Motion for Sanctions (#66), Supplement to the Motion for Sanctions (#112)
2. Trustee's Motion for Leave to File Amended Complaint (#187)

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
	Testimony of Ernest “Butch” Boyd [Judicial Notice #90-2]				
3.	Photos of 30 boxes from first visit to Cinch offices on 4/26/24				
4.	Photos of 80 boxes from second visit to Cinch offices on 5/7/24				
5.	Photos of sever from second visit to Cinch offices on 5/7/24				
6.	Photos of boxes of laptops and a sever from second visit to Cinch offices on 5/7/24				
7.	Commercial Contract for 5821 Agnes Street with PMI LLC with a closing date of 6/10/24 signed by Pollard				
8.	Photo of O’Finan on phone with Shumate on first visit to Cinch offices on 4/26/24				
9.	Burn Pit (Admitted as Exhibit 1 on 4/19/24 during Preliminary Injunction Hearing)				
10.	Verification signed by Shumate and notarized by Mathis from case no. 5:24-cv-00319-OLG; Docket #10				
11.	Screenshot of Cinch Server Screen				
12.	Screenshot of Cinch Server Screen				
13.	7/24/24 Letter to Dick Fuqua				
14.	First Amended Complaint [Judicial Notice Docket #187-1-187-41]				
15.	Motion to Enforce Stay Against Simmons Bank [Adversary #111]				
16.	CES Group Holdings LLC Operating Account June 2024 Charter Bank Statement				
17.	Live Access to Cinch OneDrive				
18.	5/2/24 Email from L. Higgins to R. Lee Murphy				
	Any exhibit identified, introduced, designated or relied upon by any other party.				
	Any exhibits necessary for rebuttal or impeachment purposes.				

The Trustee reserves the right to amend this Exhibit List and to introduce other exhibits as may be necessary for impeachment purposes. The Trustee also reserves the right to introduce exhibits designated by opposing counsel.

Dated: July 30, 2024

Respectfully submitted,

/s/ Shelby A. Jordan

Shelby A. Jordan

St. Bar No. 11016700; S.D. No. 2195

Antonio Ortiz

St. Bar No. 24074839; SD. No. 1127322

**JORDAN & ORTIZ, P.C.**

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/s/ Butch Boyd

Butch Boyd

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**SPECIAL COUNSEL FOR JOHN PATRICK  
LOWE, CHAPTER 7 TRUSTEE**

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Witness and Exhibit List was served to the below, by the CM/ECF system or by electronic mail on July 30, 2024:

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*(Interested Party)*

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*Assigned: 04/26/2024*

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**Charles A. Newton**

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*Assigned: 05/02/2024*

*Assigned: 05/13/2024*

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*TERMINATED: 06/27/2024*

*Assigned: 05/08/2024*

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(Defendant)

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(Defendant)

representing **Timothy Gaines Pollard**  
2200 County Road 413  
McCoy, TX 78113  
(Defendant)

**WFO Homes, LLC**  
c/o Tim Pollard, Registered  
Agent  
146 Motts Parkway  
Marion, TX 78124  
(Defendant)

**WFO, LLC**  
c/o Tim Pollard, Registered  
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Marion, TX 78124  
(Defendant)

*Assigned: 05/08/2024*

representing **BL Equity Holdings, LLC**

*Assigned: 05/08/2024*  
*TERMINATED: 06/27/2024*

representing

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*(Defendant)*

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**Hook N Bull Properties, LLC**  
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representing **Justin Sprencel**  
(Interested Person)

/s/ Shelby A. Jordan  
Shelby A. Jordan